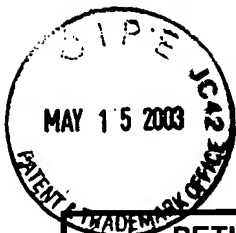


5-19-03

DATE
#5

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

3399P074

First Named Inventor: Bruce Loring Brown, Jr.

Application No.: 10/054,771

Art Unit: 2154

Filed: January 22, 2002

Examiner: An, Meng Ai T.

Title: Electronic Mail Retrieval

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
 (703) 305-9283

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
 UNDER 37 CFR 1.137(b)

Adjustment date: 06/12/2003 CKHLOK
 05/21/2003 SLUANG1 00000025 10054771
 01 FC:1453 -1300.00 OP

Repl. Ref: 06/12/2003 CKHLOK 0010480700
 DAW: 22666 Name/Number: 10054771
 FC: 204 \$1300.00 CR

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1300.00 (37 CFR 1.17(m)).

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently filed foreign or international application is December 31, 2002.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 Based on Form PTO/SB/04a (05-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 5/13/03.

05/21/2003 SLUANG1 00000025 10054771

[Page 1 of 2]

01 FC:1453

1300.00 OP

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MAY 22 2003

OFFICE OF PETITIONS

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

May 15, 2003

Date

Telephone

Number: (408) 720-8300

Signature

Jordan M. Becker, Reg. No. 39,602

Typed or printed name & Registration No.

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

Enclosures: ☒ Fee Payment
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Submission of Petition for Revival and Notice of Foreign Filing

This correspondence is being sent via express mail (Express Mail No. EV341064159US).

**SUBMISSION OF PETITION FOR REVIVAL**

Docket Number:

3399P074

First named inventor: Bruce Loring Brown, Jr.

Application No.: 10/054,771

Art Unit: 2154

Filed: January 22, 2002

Examiner: An, Meng Ai T.

Title: Electronic Mail Retrieval

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

5/15/03
Date
Signature

Telephone

Number: (408) 720-8300

Jordan M. Becker

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

12400 Wilshire Blvd.

Seventh Floor

Los Angeles, CA 90025

Telephone Number: (408) 720-8300

39,602

Registration No.

This correspondence is being sent via express mail (Express Mail No. EV341064159US).

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OFFICE OF PETITIONS



Attorney Docket No.: 3399P074

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Bruce Loring Brown, Jr. et al.

Serial No.: 10/054,771

Filing Date: January 22, 2002

For: ELECTRONIC MAIL RETRIEVAL

Mail Stop PGPUB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Examiner: An, Meng Ai T.

Art Unit: 2154

"Express Mail" mailing label number EV341064159US
I hereby state that I am causing this paper or fee to be
deposited with the United States Postal Service "Express
Mail Post Office to Addressee" service on the date
indicated below and that this paper or fee has been
addressed to the Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450 on

May 15, 2003

(Date of Deposit)

Julie Arango

(Printed name)

Julie Arango

(Signature)

5/15/03

(Date)

NOTICE OF FOREIGN FILING

Dear Sirs:

This letter is to notify the U.S.P.T.O. that on December 31, 2002, Applicant filed the above-identified application in another country or under a multilateral agreement that requires publication of applications eighteen months after filing. A Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii) was previously filed by Applicant.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

5/15/03

Jordan M. Becker

Reg. No. 39,602

Customer No. 26529

12400 Wilshire Boulevard

Seventh Floor

Los Angeles, CA 90025-1030

(408) 720-8300

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

1,300.00

Complete if Known

Application Number 10/054,771
Filing Date January 22, 2002
First Named Inventor Bruce Loring Brown, Jr.
Examiner Name An, Meng Ai T.
Group/Art Unit 2154
Attorney Docket No. 3399P074

METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) | |

2. EXTRA CLAIM FEES

Total Claims - 20* = X =
Independent Claims - 3 = X =
Multiple Dependent =

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 140 | Multiple Dependent claim, if not paid | |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | (\$) | |

*or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1404 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | 1,300.00 |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 1809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

1,300.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Jordan M. Becker

Registration No. 39,602
(Attorney/Agent)

Telephone (408) 720-8300

Signature

Date 05/15/03

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 05/02/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | | | | | | |
|---|-----------------------------------|---|----------------------------------|-------------|-------------|---|---|----|---|---|---|---|
| 1 Date of Request: <u>6/11/03</u> | | 2 Serial/Patent # <u>10/054,771</u> | | | | | | | | | | |
| 3 Please refund the following fee(s): | | 4 PAPER NUMBER | 5 DATE FILED | 6 AMOUNT | | | | | | | | |
| | Filing | | | \$ | | | | | | | | |
| | Amendment | | | \$ | | | | | | | | |
| | Extension of Time | | | \$ | | | | | | | | |
| | Notice of Appeal/Appeal | | | \$ | | | | | | | | |
| <input checked="" type="checkbox"/> | Petition | 5 | 5/15/03 | \$ 1,300.00 | | | | | | | | |
| | Issue | | | \$ | | | | | | | | |
| | Cert of Correction/Terminal Disc. | | | \$ | | | | | | | | |
| | Maintenance | | | \$ | | | | | | | | |
| | Assignment | | | \$ | | | | | | | | |
| | Other | | | \$ | | | | | | | | |
| | | | 7 TOTAL AMOUNT OF REFUND | | \$ 1,300.00 | | | | | | | |
| 10 REASON: | | 8 TO BE REFUNDED BY: | | | | | | | | | | |
| | Overpayment | <input type="checkbox"/> Treasury Check | | | | | | | | | | |
| | Duplicate Payment | <input checked="" type="checkbox"/> Credit Deposit A/C #: | | | | | | | | | | |
| <input checked="" type="checkbox"/> | No Fee Due (Explanation): | 9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">2</td> <td style="width: 20px;">--</td> <td style="width: 20px;">2</td> <td style="width: 20px;">6</td> <td style="width: 20px;">6</td> <td style="width: 20px;">6</td> </tr> </table> | | | | 0 | 2 | -- | 2 | 6 | 6 | 6 |
| 0 | 2 | -- | 2 | 6 | 6 | 6 | | | | | | |
| <u>Petition dismissed as moot</u> | | | | | | | | | | | | |
| 11 REFUND REQUESTED BY: | | | | | | | | | | | | |
| TYPED/PRINTED NAME: <u>Cliff Congo</u> | | | TITLE: <u>Petitions Attorney</u> | | | | | | | | | |
| SIGNATURE: <u>Cliff Congo</u> | | | PHONE: <u>305-6272</u> | | | | | | | | | |
| OFFICE: <u>Petitions</u> | | | | | | | | | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** | | | | | | | | | | | | |
| APPROVED: <u>[Signature]</u> | | | DATE: <u>6/12/03</u> | | | | | | | | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: